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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/742,871	12/20/00	STACHOWSKI	B STAC-00301

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0012/0300

EXAMINER	
DOAN, R	
ART UNIT	PAPER NUMBER
3732	2

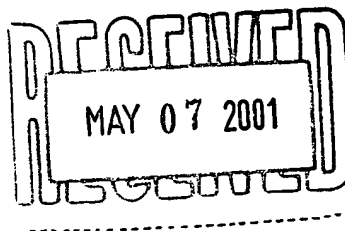
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# Office Action Summary

Application No.

09/742,871

Applicant(s)

Stachowski

Examiner

Robyn Kieu Doan

Art Unit

3732



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 20, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 16 is objected to because of the following informalities: in claim 16, line 1 "fattened" should be changed to --flattened--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 14-18 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Schroettner.

With regard to claims 1-4 and 14-18, Schroettner discloses a hair styling system (fig. 1) comprising a parting device (15) with a tip portion for tracing through the hair and a flattened elongated stencil (11) with a styling edge having a plurality of pointed teeth (14). In regard to claims 21-22, Schroettner is capable to perform all the steps substantially claimed.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 6-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirzel.

With regard to claims 1-4, and 6-20, Hirzel discloses a hair styling device (figs. 1 and 3) comprising a parting device (29) with a tip portion for tracing through the hair, a stencil (20) with a styling edge having a plurality of pointed teeth (18), the parting device further having two plastic handles (11, 12) which are attached by a hinge pin (14); two unattached ends of the handles are capable of being aligned in a closed position and separated in an open position. In regard to claims 21-23, Hirzel is capable to perform all the steps substantially claimed.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1-4, 6-7 and 9-23 are rejected under 35 U.S.C. 102(b) as being anticipated by De Laforcade.

With regard to claims 1-4, 6-7 and 9-20, De Laforcade discloses a hair styling device (fig. 1) comprising a parting device (12) with a tip portion for tracing through the hair, a flattened elongated stencil (2) with a styling edge having a plurality of pointed teeth (5), the parting device further having two plastic handles (2, 3) which are attached by a hinge point (A) and two unattached ends of the handles are capable of being aligned in a closed position and separated in an open position. In regard to claims 21-23, De Laforcade is capable to perform all the steps substantially claimed.

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***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroettner or Hirzel or De Laforcade.

With regard to claim 5, Shroettner or Hirzel or De Laforcade discloses a hair styling device comprising all the claimed limitations in claim 4 as discussed above except for the size of the stencil having a length between 5 and 30 cm, a width between of 2 to 10 cm and a thickness between 0.1 and 1 cm. It would have been an obvious matter of design choice to construct the stencil with the particular length, width and thickness since such a modification would have involved a mere change in a size of the component.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Landreneau, Gianfrancesco, Dannat and Henry are cited to show the state of the art with respect to a hair styling device having a parting device.

9. The drawings filed 12/20/2000 have been approved.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Kieu Doan whose telephone number is (703) 306-9182.

Robyn Kieu Doan

Examiner

April 30, 2001

John J. Wilson  
Primary Examiner